

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 1-5, 7-10, 12-16, and 18 are currently active in this case. Claims 1, 7, and 12 have been amended, and Claims 6, 11, and 17 have been canceled by the current amendment. No new matter has been added.

In the outstanding Office Action, Claims 1, 4, and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Application Publication No. 01-201253 to Yahara et al.; Claims 2, 6-9, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al.; Claims 5, 10, and 12-17 were rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative rendered obvious by Yahara et al.; and Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yahara et al. in view of Japanese Patent Application Publication No. 2002-078728 to Toru et al.

Briefly recapitulating, the present invention (Claim 1 as amended) is directed to a warming article including a heat generating main body and a receiving part configured to receive a part of a human body. The heat generating main body includes a heat generating element configured to generate water vapor, and an air permeable holder configured to hold the heat generating element. The holder includes an air impermeable layer and an air permeable layer. The heat generating main body is expandable by water vapor generated with heat generation of the heat generating element, the air permeable layer and the air impermeable layer are provided on opposite sides of the heat generating element, and the receiving part is provided on the side of the air permeable layer.

As a consequence of this configuration, the warming article provides a moisturizing function in the receiving part as well as a heating function. When the warming article is

combined with any functional agent, the claimed configuration enhances penetration of the functional agent. See the Specification, page 17, lines 1-9.

Similar to Claim 1, Claim 7 defines a warming article wherein the heat generating element of the heat generating main body generates 1 to 100 mg per (cm<sup>2</sup> x 10 min) of water vapor. Claim 12 is directed to the heat generating article and provides that a molded sheet includes an oxidizable metal, a moisture retaining agent, and a fibrous material and has a maximum stress of 0.3 to 5 MPa and a breaking elongation of 2 to 10%. The molded sheet is configured to be disposed between an air permeable sheet and an air impermeable sheet and to be three-dimensionally shaped together with the air permeable sheet and the air impermeable sheet.

In contrast to the present invention, Yahara et al. is directed to a sheet-like heating member having a sheet-like member 1 provided between porous films 2 which are sealed at the peripheries. See Figure 1 of Yahara et al. In an alternative embodiment, the sheet-like member 1 is sandwiched between porous films 2 and adhesive layers 4. The Official Action asserts on page 5 that it was well-known by those skilled in the art to shape warming articles into gloves, hats, and bands, for insertion of a part of a body, and that it would have been obvious to one skilled in the art to provide a receiving part on the warming article for receiving a part of the body being inserted. Applicants respectfully traverse.

Yahara et al. teaches and describes a device which can have changing shapes in order to fit or be placed next to different size and shaped portions of the body. However, there is no teaching or suggestion of a receiving member. Further, Yahara et al. do not teach or suggest locations for air permeable and air impermeable layers such that a moisturizing function and a heating function can be combined in the receiving portion.

Toru et al., as understood by the computer translation, teaches that an air permeable layer can be used as part of a heating bag. However, Toru et al. do not address the

deficiencies of Yahara et al. In particular, Toru et al. do not teach or suggest the locations of an air permeable and an air impermeable layer as part of a holder.

For the foregoing reasons, Yahara et al. are not believed to anticipate or render obvious the subject matter defined by Claims 1 and 7 when considered alone or in combination with Toru et al.

Regarding Claim 12, that claim has been amended to include the features of original Claim 17. See by way of non-limiting example Figure 5(a) of the Specification. Page 7 of the Official Action asserts that Yahara et al. teach a molded sheet disposed between an air permeable sheet and an air impermeable sheet and three-dimensionally shaped together with an air-permeable sheet and an air impermeable sheet.

In contrast to the subject matter defined by Claim 12, as amended, Yahara et al. merely show and disclose a sheet-like member with no three-dimensional shaping. Consequently, Yahara et al. are not believed to anticipate or render obvious the subject matter defined by Claim 12.

In view of the foregoing, no further issues are believed to be remaining. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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